



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,310	01/14/2004	Jane Pak	PAK-001	3508

7590 09/20/2005
Adam Underwood
#CB-2
2451 Brickell Avenue
Miami, FL 22202-4600

EXAMINER

SANDY, ROBERT JOHN

ART UNIT	PAPER NUMBER
----------	--------------

3677

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

The final Office action is in response to the reply filed on 22 June 2005.

Claim Objections

Claim 7 is objected to because of the following informalities: Claim 7 should end with a period. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-7, 12 and 18-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Karcsak (U. S. Patent No. 1,706,576). Karcsak ('576) discloses a button fastener comprising: a base (11) with a bottom surface; and a plurality of legs (14) connected to the base, wherein the plurality of legs extends from the bottom surface of the base; and wherein each leg of the plurality of legs is able to pass through a button hole; each of the legs are able to pass through a fabric; and the base is in the shape of a ring;

(concerning claim 4) the base is in the shape of a flat plate;

(concerning claims 5, 6 and 7) wherein the plurality of legs is 2 legs, 3 legs, and 4 legs;

(concerning claim 12) further comprising a cover (16) to fit over a distal end of each of the plurality of legs;

(concerning claim 18) a method for manufacturing a button fastener comprising: providing a base (11) with a bottom surface; the base is in the shape of a flat plate and connecting a plurality of legs (14) to the base, wherein each of the plurality of legs extends downward from the bottom surface of the base; wherein each leg of the plurality of legs is able to pass through a button hole; and able to pass through a fabric; and

(concerning claims 19 and 20) a method of attaching a button to a piece of fabric is discloses, comprising: placing a button (11) at a selected location on a piece of fabric(10);

Art Unit: 3677

placing a fastener comprising a base (13) with a bottom surface; and a plurality of legs (14) connected to and extending downward from the bottom surface of the base; wherein each leg of the plurality of legs is able to pass through one of a plurality of holes (12a) of a button and then is able to pass through a fabric; guiding each of the plurality of legs through at least one of the plurality of holes of the button; forcing each of the plurality of legs to pass through the piece of fabric; and bending (into hooks 15) each of the plurality of legs such that the plurality of legs lay near a surface of the fabric (see Fig. 2); and further comprising placing a cover (16) capable of fitting over a distal end of a leg.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-11, 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karcsak ('576) in view of Purinton (U. S. Patent No. 1,797,619). Karcsak ('576) discloses the claimed button fastener except for wherein the base includes a top surface with a colored coating having a pattern. Purinton ('619) teaches a button fastener having a base having colored coating (see lines 77-85, and Figure 1) having a pattern. Therefore, it would have been an obvious matter of design choice to one of ordinary skill in the art at the time the invention was made to have provided a colored coating and a pattern to the base of the button fastener of Karcsak ('576), as taught by Purinton ('619), since Purinton ('576) suggests that a button having its outer surface with "ornamentation" to resemble "the appearance of a glass or porcelain button" (lines 32, 33).

Response to Arguments

Applicant's arguments filed 22 June 2005 have been fully considered but they are not persuasive. The argument that the bar portion 13 of Karcsak ('576) is not in the shape of the ring

Art Unit: 3677

is acknowledge. However, the element 11 has been considered to meet the limitations of the claimed ring-shaped base.

The argument regarding that element 16 of Karcsak ('576) is not a cover is not persuasive since the claim does not require any further structural limitation other than "a cover to fit over a distal end of each of the plurality of legs". Element 16 performs the function of the claimed cover where Fig. 2 shows where the ring 16 covers the distal ends of the turned-up legs.

In response to applicant's argument that Purinton ('619) is not a button fastener, therefore is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the device by Purinton ('619) since it is employed as a "button", and therefore resides in the button art, and is analogous.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 703-305-7413. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ROBERT J. SANDY
PRIMARY EXAMINER

Robert J. Sandy
Primary Examiner
Art Unit 3677